

**VIRGINIA BOARD OF NURSING
MINUTES
April 18, 2011**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on April 18, 2011 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Evelyn Lindsay, L.P.N., Secretary

BOARD MEMBERS PRESENT:

Jeanne Holmes, Citizen Member
Florence Jones-Clarke, R.N., M.S.
Patricia Lane, R.N., B.S.N.
Karen Schultz, M.B.A.; Ph.D., Citizen Member

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Krystal Blanton, Senior Discipline Specialist

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Stephanie Dawn Rice Bush, C.N.A. 1401-060035

Ms. Bush did not appear.

Ms. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Stephanie Bush for not less than two years and until such time as she can demonstrate she is capable of resuming safe and competent practice as a nurse aide. The motion was seconded and carried unanimously.

Donald C. Outlaw, C.N.A. 1401-124365

Mr. Outlaw did not appear.

Ms. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Donald Outlaw and enter a finding of misappropriation of patient property in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Amanda Sheridan, C.N.A. 1401-100465

Ms. Sheridan did not appear.

Ms. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Amanda Sheridan for not less than two years and until such time as she can demonstrate that she is capable of resuming safe and competent nurse aide practice.

The motion was seconded and carried unanimously.

Bratanya K. Simmons, C.N.A. 1401-119859

Ms. Simmons did not appear.

Ms. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Bratanya Simmons and enter a finding of abuse in the Nurse Aide Registry.

The motion was seconded and carried unanimously.

Diane E. Smith, C.N.A. Applicant

Ms. Smith did not appear.

Ms. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the nurse aide application of Diane Smith until such time as she provided the Board with a certificate of completion of an approved nurse aide education program and successfully completes a competency evaluation. At such time, the Board shall issue Ms. Smith an unrestricted certificate to practice as a nurse aide in Virginia.

The motion was seconded and carried unanimously.

Bobbi J. Calloway, C.N.A. 1401-123201

Ms. Calloway did not appear.

Dr. Schultz moved that the Board of Nursing defer a decision of the agency subordinate recommendation regarding Bobbi Calloway to the May 2011 Board of Nursing meeting.

The motion was seconded and carried unanimously.

Christy McCoy Gatlin, L.P.N. 0002-076901

Ms. Gatlin did not appear.

Ms. Holmes moved that the Board of Nursing accept the recommended decision of the agency subordinate to place Christy Gatlin on probation with terms for two years of practical nursing practice.

The motion was seconded and carried unanimously.

CONSENT ORDER:

Kay Brown Suzanne Archevald, R.N. 0001-096110

Ms. Archevald did not appear.

Dr. Schultz moved that the Board of Nursing accept the consent order to reinstate the registered nursing license of Kay Archevald. The motion was seconded and carried unanimously.

FORMAL HEARINGS BEFORE A PANEL OF THE BOARD:

FORMAL HEARING:

Annette Barksdale, C.N.A. 1401-093518

Ms. Barksdale appeared.

James Rutkowski, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Cheri M. Thomas, court reporter, recorded the proceedings.

Yasmin Madden, C.N.A. and Andria Christian, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:14 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Barksdale. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:41 A.M.

Ms. Holmes moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing issue an order of reprimand to Annette Barksdale. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:50 A.M.

RECONVENTION: The Board reconvened at 10:55 A.M.

FORMAL HEARING: **Pamela Washington, C.N.A. 1401-094461**
Ms. Washington appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Cheri M. Thomas, court reporter, recorded the proceedings.

Yasmin Madden, C.N.A. and Andria Christian, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:16 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Washington. Additionally,

Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:28 A.M.

Ms. Holmes moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing dismiss the case in the matter of Pamela Washington. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARING: **Kemisha Moore, C.N.A. 1401-129184**
Ms. Moore did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Cheri M. Thomas, court reporter, recorded the proceedings.

Brandi Overby, C.N.A.; Robyn Hedgepeth Nemeth, R.N.; Sherry Foster, Senior Investigator, Department of Health Professions; and Jennifer Williams, R.N. were present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:58 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Moore. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:35 P.M.

Ms. Holmes moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing revoke the nurse aide certificate of Kemisha Moore and enter a finding of abuse in the Nurse Aide Registry. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 12:45 P.M.

RECONVENTION: The Board reconvened at 1:35 P.M.

FORMAL HEARING: **Kimberly Mawyer, R.N. Reinstatement Applicant 0001-144900**
Ms. Mawyer appeared, accompanied by her mother, Virginia Monk.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Cheri Thomas, court reporter, recorded the proceedings on behalf of the Board of Nursing.

Cecile Custer, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:31 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Mawyer. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:55 P.M.

Ms. Holmes moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing issue an order of reprimand and deny the petition for reinstatement of the registered nursing license of Kimberly Mawyer, stay the suspension contingent upon Ms. Mawyer's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARING:

Cynthia Dixon, C.N.A. 1401-052163

Ms. Dixon did not appear.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Cheri Thomas, court reporter, recorded the proceedings on behalf of the Board of Nursing.

John Turner, Senior Investigator, Department of Health Professions; Alethia Gaither, R.N.; and Janet White, Nursing Home Administrator were present and testified.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:43 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Dixon. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:57 P.M.

Ms. Holmes moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing issue an order to revoke the nurse aide certificate of Cynthia Dixon and enter a finding of abuse and neglect in the Nurse Aide Registry. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 4:00 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director